IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 22776 of 2004

Between:

1 Smt. Kuruba Bhagyamma, W/o. K. Nagaraju,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.
2 K. Sanjappa, S/o. K. Hanumanthappa,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.
3 Smt. Chittemma, W/o. anjinaiah,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.
4 Slmt. K. Jyothamma, W/o. K. Sanjappa,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.

..... PETITIONER(S)

AND

1 The District Collector, Kurnool district.
2 The Mandal Revenue Officer, Halaharvi Revenue Mandal,
Kurnool District.
3 K. Laxmi Devi, W/o. Venkateswarlu,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.
4 Suneethamma, W/o. Prabhakar,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.
5 Boya Eswaramma, W/o. Boya Eranna,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.
6 Boya Thikkaiah, S/o. Boya Eranna,
R/o. Mallikarjunapalle village, Halaharvi Mandal, Alur Taluk,
Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in not taking any action against the Respondents No.3,4,5 and 6 in pursuance to the legal notice dated 1-11-2004 issued on behalf of he petitioners as highly illegal, arbitrary and violative of principles of natural justice and to consequently direct the 2nd respondent herein to forthwith take appropriate action against the respondents No.3,4,5 and 6 in accordance with law.

Counsel for the Petitioners: MR.A.V.SIVAIAH

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

When the W.V.M.P.No.419 of 2005 has come up for hearing, both the parties have consented for the disposal of the writ petition itself, and

therefore, the writ petition is taken up for hearing and is being disposed of by this order.

The petitioners, who are four in number, filed this writ petition with a prayer to issue a writ or order or direction more particularly one in the nature of Mandamus declaring the action of the 2nd respondent in not taking any action against the respondents 3 to 6 in pursuance of the legal notice, dated 1.11.2004 issued on behalf of the petitioners as illegal, arbitrary and violative of principles of natural justice.

It is the case of the writ petitioners that they have been assigned lands in question in the year 1995 and since then, they have been in possession of the same. It is their further case that the respondents 3 to 6 are trying to interfere with the possession under the guise that the same lands were assigned to them by the respondents 1 and 2.

Respondents 1 and 2 filed counter affidavit. One Mr.K. Ramachandra has sworn to the counter affidavit, wherein it is stated that the writ petitioners obtained pattadar passbooks and title deeds by making misrepresentation. Para 7 of the counter affidavit reads thus:

> *"In reply to para 5, it is submitted that it is a fact that the writ petitioners were issued pattadar pass books and title deeds by mistake of fact and the writ petitioners have misrepresented the facts and obtained the same. The writ petitioners obtained pattadar pass books and title deeds by producing bogus pattas which are not genuine. Subsequently, it is revealed that the pattas issued to the writ petitioners are not genuine and they are fabricated pattas. As could be seen from the pattas of writ petitioners and other beneficiaries, it is revealed that on the same day i.e. 30.11.1995, the patta were alleged to have been issued to both persons by the same Mandal Revenue Officer. The same Mandal Revenue Officer, on the same day, cannot issue pattas for the same land to two persons. Further, the office copies of pattas issued to the writ petitioners are not available in the connected file. Hence, it is evident that the pattas available with the writ petitioners are not genuine and they were fabricated with forged signatures and seal of the Mandal Revenue Officer, Halaharvi, Kurnool District."*

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing on behalf of the respondents 1 and 2.

The fact that the writ petitioners secured pattadar passbooks and title deeds is not disputed. It is the contention of the respondents 1 and 2 that the writ petitioners have secured pattadar pass books and title deeds by misrepresentation. It has come on record that the petitioners have submitted representation to the respondents 1 and 2 complaining of the assignment of the self-same land to the respondents 3 to 6.

In such a situation, I deem it appropriate to direct the respondents 1 and 2 to conduct enquiry on the applications presented by the writ petitioners and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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(B. SESHASAYANA REDDY, J.)

29th June, 2005

bcj

To

1 The District Collector, Kurnool district.
2 The Mandal Revenue Officer, Halaharvi Revenue Mandal, Kurnool District.
3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.